MOTION FILED
DEC 9 1994

(25)

No. 93-1841

In the
Supreme Court of the United States
October Term, 1994

ADARAND CONSTRUCTORS, INC.,
Petitioner,

v.

FEDERICO PENA, Secretary of Transportation et al.,
Respondents.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

MOTION FOR LEAVE TO FILE AMICUS BRIEF

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1994 – Bachman Legal Printing ■ (612) 339-9518 ■ FAX (612) 337-8053

4 pp

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AMICI CURIAE, Maryland Women Business Entrepreneurs Association, et. al., state the following in support of their Motion for Leave to File Amicus Brief:

1. The parties granted Amici consent to file a brief in support of Respondents. The consents of both parties are on file with the Clerk of this Court.

2. Amici filed their brief on December 6, 1994. It was timely filed under Rule 29.2 which states that briefs may "be sent to the Clerk by first-class mail, postage prepaid, and bear a postmark showing that the document was mailed on or before the last day for filing." (See Affidavit of Service attached as Exhibit 1.)

3. In a Scheduling Order, the Court established a filing deadline of December 6, 1994 at 3:00 p.m. and suspended the language of Rule 29.2 quoted above. Amici had no

knowledge of the rule suspension for the manner of filing amicus briefs.

4. Counsel for Amici had previously confirmed with counsel for Respondent that the filing date was December 6, 1994. Counsel for Respondent failed to inform counsel for Amici of the suspension of the rule relating to the manner of filing.

5. Amici's brief was not received by the Court on or before 3:00 p.m. on December 6, 1994.

6. Had Amici known of this rule suspension, they would have personally filed their brief with the Clerk on or before 3:00 p.m. on December 6, 1994.

7. Amici's brief addresses issues raised by Petitioner in its Petition for Writ of Certiorari as they relate to women and women-owned businesses. (See copy of Amici's brief attached as Exhibit 2.)

8. The Court's review of Amici's brief will aid it in understanding the statutory and regulatory framework of the legislation in question and in fully understanding how past precedents regarding gender discrimination relate to the questions presented.

9. Amici are not aware that any other party or Amici are addressing these issues relating to women-owned businesses. Therefore, the failure to grant this motion may result in an opinion that does not fully and fairly address the impact on women-owned businesses.

Wherefore, Amici Curiae request that this Court enter an Order giving leave to Amici to file their brief.

Date: December 7, 1994 By: _____

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